

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

: INDICTMENT

- v. -

ODANIS HOLGUIN,
EDWIN VICTORIANO,
EDWIN BATISTA, and
STARKIN FELIZ,

Defendants.

-----X

13 CRIM 363

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: MAY 16 2013

COUNT ONE

1. From at least on or about March 7, 2013, up to and including on or about March 20, 2013, in the Southern District of New York and elsewhere, ODANIS HOLGUIN, EDWIN VICTORIANO, EDWIN BATISTA, and STARKIN FELIZ, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ODANIS HOLGUIN, EDWIN VICTORIANO, EDWIN BATISTA, and STARKIN FELIZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance involved in the offense was one kilogram and more of mixtures and substances containing a

detectable amount of heroin, in violation of 21 U.S.C.
§ 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

4. From at least on or about March 7, 2013, up to and including on or about March 20, 2013, in the Southern District of New York and elsewhere, ODANIS HOLGUIN, EDWIN VICTORIANO, EDWIN BATISTA, and STARKIN FELIZ, the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, HOLGUIN, VICTORIANO, BATISTA, FELIZ, and others agreed to commit an armed robbery of individuals believed to be engaged in narcotics trafficking.

(Title 18, United States Code, Section 1951.)

COUNT THREE

5. On or about March 20, 2013, in the Southern District of New York and elsewhere, ODANIS HOLGUIN, EDWIN VICTORIANO, EDWIN BATISTA, and STARKIN FELIZ, the defendants, during and in

relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, and during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery conspiracy charged in Count Two of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

6. As a result of committing the controlled substance offense alleged in Count One of this Indictment, ODANIS HOLGUIN, EDWIN VICTORIANO, EDWIN BATISTA, and STARKIN FELIZ, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the narcotics violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Asset Provision

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant(s) :

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)

FORFEITURE ALLEGATION AS TO COUNT TWO

8. As a result of committing the offense alleged in Count Two of this Indictment, ODANIS HOLGUIN, EDWIN VICTORIANO, EDWIN BATISTA, and STARKIN FELIZ, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and

28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

Substitute Asset Provision

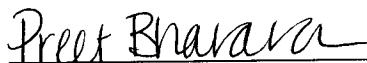
9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) :

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be subdivided without difficulty;
- it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other

property of the defendants up to the value of the above
forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and
Title 18, United States Code, Section 1951.)


Denise Emen
FOREPERSON


Preet Bharara
PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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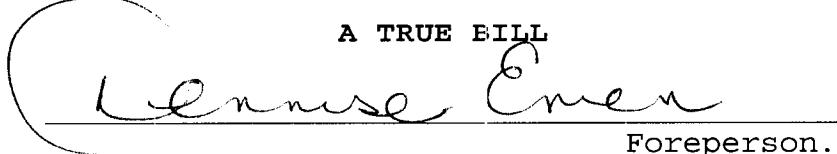
13 Cr. _____

(21 U.S.C. § 846; 18 U.S.C. § 1951; 18
U.S.C. § 924(c)(1)(A)(iii)..)

PREET BHARARA

United States Attorney.

A TRUE BILL


Denise Emen

Foreperson.

5/16/13 - Filed Indictment.

cc Case assigned to Judge Patterson.
Judge Marcus
Emen